



# Howard Planning and Zoning Minutes



## **MINUTES HOWARD COUNTY PLANNING & ZONING August 20, 2014**

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20<sup>th</sup> of August, 2014 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:02 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

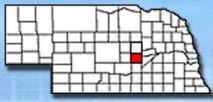
Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Jack Reimers, Dave Sack and Terry Spilinek. Those absent were: Randy Kauk and Ron Kulwicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Gerald Craig, Joe Young, Peter Berthelsen, Laura Berthelsen, Gerald Rasmussen, Cindy Rasmussen, Justin Tollman, Steve Klein, and Margie Townsend.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Jeff Christensen to approve the minutes of the July 23, 2014 meeting. The motion carried on unanimous voice vote.

At 8:05 p.m. the Public Hearing regarding the Middle Loup Subdivision, a single lot subdivision in the SE ¼ of Section 29-13-12, was opened. Cherri Klinginsmith read the Notice of Public Hearing. Joe Young stated he wants to build a house and outbuilding. There is a substation close to where he wants to build. Cherri stated she talked with the Howard-Greeley Public Power District and they are okay with the plans. Larry Smith spoke with Cherri by telephone and stated he was in favor of the subdivision. There was no testimony in opposition. A motion was made by Jeff Christensen and seconded by Ken Kozisek. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 8:15 p.m. the Public Hearing regarding updating the Howard County Zoning Regulations pertaining to A-1 Agricultural District Conditional Uses was opened. Cherri Klinginsmith read the Notice of Public Hearing. The purpose of the update is to 1. Change the word "waste" in the regulations to "material" 2. Add the option to set conditions on whether to incorporate or not incorporate a product under Land Application of Commercial Biodegradable Material, and 3: Changing the percent from 10% to 11% when applying Commercial Biodegradable Material on land with a slope. Gary Craig asked what the purpose of the changes were for and the Board stated there are new products that can be applied to the soil that are not classified as a waste and they are looking for a broad definition so they don't have to update the regulations all the time. A motion was made by Dave Sack to approve the changes to the regulations and seconded by Jack Reimers. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 8:35 p.m., the Public Hearing for a Conditional Use Permit Application by Steven Klein and Lee Klein for the application of Soilbuilder II located in the W ½ of Section 32-16-10 was opened. Cherri Klinginsmith read the Notice of Public Hearing. This item was discussed at the June 18 and July 23 meetings. Steve Klein stated UNL requested a soil sample and he obtained one from Ray Ward Laboratory (copy provided to Cherri and the Board). Mr. Klein stated there is enough nitrates in the soil so he would only need one application of Soilbuilder II.



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Margie Townsend stated she is in favor of building up soil, but she has feedlots all around her and she does not want the product stockpiled because of the odor. Cindy Rasmussen and Gary Craig stated if the application is approved they want the product incorporated immediately and not stockpiled. Pete Berthelsen had a couple concerns and the board addressed them. Ken Kozisek asked Steve Klein if he could put a berm around the product after it's delivered to avoid any run-off if it rains and Mr. Klein stated he would do that.

Daryl Anderson made a motion to approve the Conditional Use Permit to apply Soilbuilder II in Section 32-16-10W. The application of the product will comply with the application rate worksheets and must be delivered and applied in a 15 working day period. A berm must be built around the pile. Jeff Christensen seconded the motion. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 9:30 p.m. a discussion was held on "Waiver of Distance" forms. The board discussed having a procedure for new and expanding Livestock Feeding Operations to get a waiver from a neighboring residence that would be within a new/expanding odor footprint, to sign a waiver form to consent to the expansion of the odor footprint over the residences property. After additional consideration the board decided to address this topic in the future after they have had time to consider the implications of the procedure.

Cherri held a discussion on acreages that are over 20 acres.

At 10:00 p.m., a motion was made by Jeff Christensen and seconded by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for September 17, 2014.

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Molly Tebo, Secretary